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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,976	07/03/2003	Tomoaki Arai	239872US3	4233
22850	7590	08/29/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			AYRES, TIMOTHY MICHAEL	
		ART UNIT		PAPER NUMBER
		3637		

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,976	ARAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy M. Ayres	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/3/03, 10/6/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This is a first office action on the merits of application SN 10/611,976.

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 6 of the specification, line 7, "Stop pins 10 and 110" is considered a typo and the applicant should correct with the appropriate reference numbers "11 and 111".

Appropriate correction is required.

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: In the fourth paragraph of claim 23, the phrase "said movable plate" appears in the first line. The examiner considers this to be a typo and the applicant should correct the phrase to "said movable rod". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 6-14, 20, 21, 29, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claim 9, line 7, it is unclear as to which table "surfaces" is referring to and where those surfaces are located.
5. Claim 7, 13, 20, and 29 is rejected for duplicate claim language, "comprising top to be set on upper end...vertically on said table". This language is already recited in claim 6, 12, 19, and 28 respectively.
6. Regarding claim 6, 9, and 12, in the last 4 lines of the claim it is unclear what is being claimed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

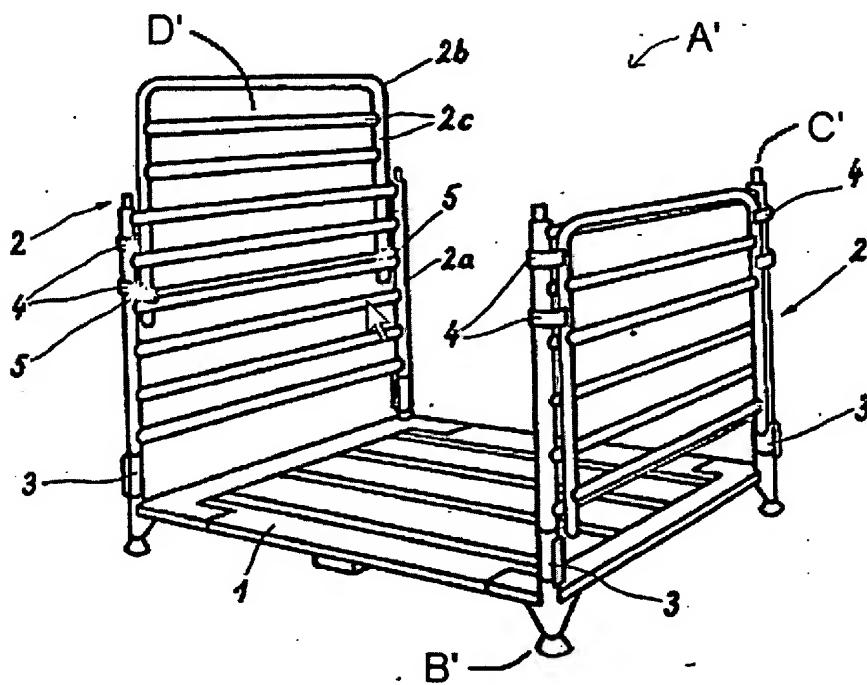
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German Patent 2,506,746 to Fendt. Fendt '746 discloses an article transporting/storing device (A') with a table (1) to be loaded with an article. A pair of post units (2) spaced from each other and each comprising two posts (2a) connected together. The pair of post units (2) are support on the table (1) by unit supporting means (3) such that the pair of post units (2) are selectively locked in a position in which said posts (2a) each stand substantially vertically on the table (1) as seen in figure 1 or

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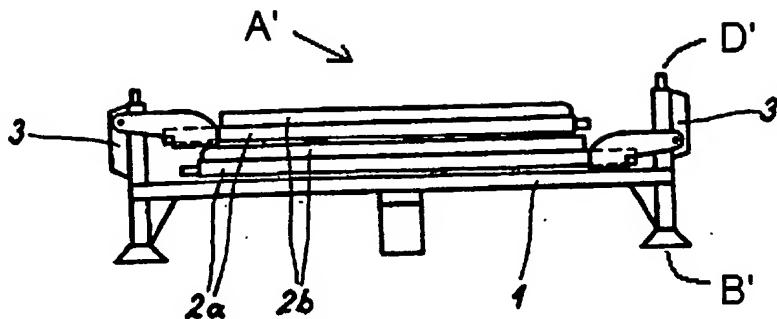
unlocked and allowed to be angularly moved toward a mount surface of the table (1) between the pair of post units (2) as seen in figure 2.

3. Regarding claim 5, the pair of post unit (2) each includes a respective movable frame (2b, 2c) connecting the two posts (2a) and mounted to the two posts (2a) in such a manner as to be movable in a lengthwise direction of the posts (2a) as seen in figure 1 below.



Fendt '746 Figure 1

4. Regarding claim 22, the unit supporting means (3) comprises a pair of unit supporting means (3) respectively associated with the pair of post units (2).



Fendt '746 Figure 2

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of U.S. Patent 2,862,720 to Stone. Fendt '746 discloses every element as described above and that when stacked in the locked position that post top (C') is in line with leg (B'). Fendt '746 does not disclose expressly a top plate that has engaging portions, and casters. Stone '720 discloses an article transporting/storing device with a table (1) and a pair of post units (3). Casters (2) are mounted on the table (1). A top plate (8) is set on the upper end portions of the pair of post units (3) when the posts units (3) stand substantially vertically on the table (1), wherein the top plate (8) is formed with engaging portions (9) engageable with the upper end portions of the pair of post units (3). At the time of the invention it would have

been obvious for a person of ordinary skill in the art to take the article transporting/storing device of Fendt and add the casters and top plate of Stone so that the device would be easier to move and have a top to bridge across the post units.

7. Regarding claim 6, The device of Fendt '746, modified by Stone '720, is capable of being stacked on top of the top plate of a similar device such that the legs of the top device would be positioned right above the upper end portions of the post units of the lower device.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,638,431 to Fauville. Fendt '746 discloses every element as described above including a back plate D' between the post units (2). The folded up device of Fendt '746 as shown in figure 2 would inherently capable of being stacked on top of one another such that, when another article transporting/storing device (A') is stacked on the device (A') after the pair of post units (2) have been folded up by being angularly moved toward the mount surface (1) as seen above in figure 2. Fendt '746 does not disclose expressly the back plate with a belt and the unit supporting means spaced from the opposite edges of the table. Fauville '431 discloses a pair of post units (2) attached to a table (8). Belts (3,5) are provided for fastening the article (1) to the table (8). The belts are attached to the pair of post units (2). The unit supporting mean (11a, 11b) is spaced from the opposite edges of the table (8) adjoining the pair of unit supporting means (11a, 11b).

9. Regarding claim 9, At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt and space the unit supporting means away from the edge like Fauville so that surfaces on which legs (B') of a table (1) of the another article transporting/storing device (A') are to be positioned are formed between unit supporting means (3) and the edges of the table (1).

10. Regarding claim 10, At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt and add the belts of Fauville to the connecting bars of the back plate to secure the article.

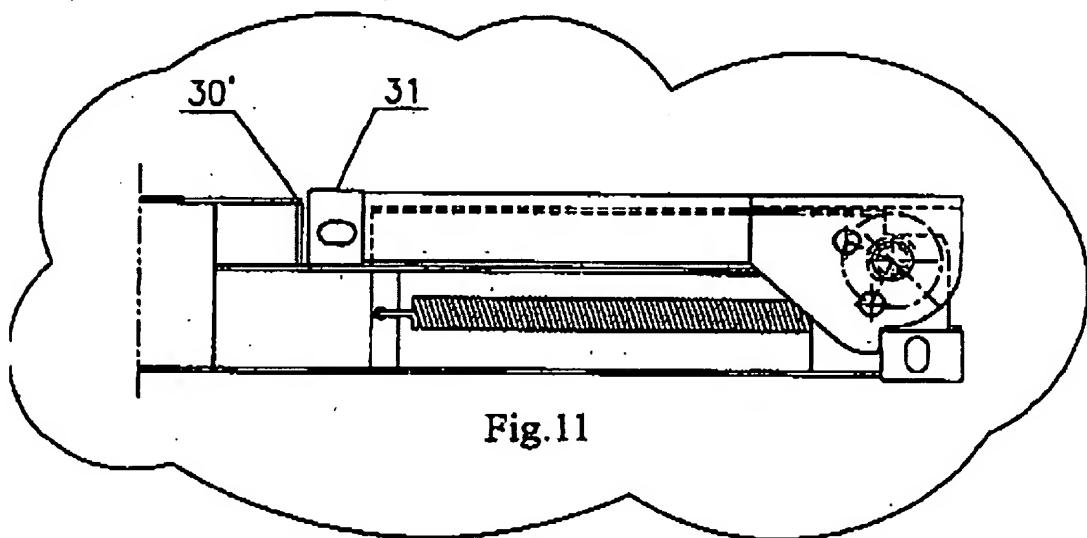
11. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,638,431 to Fauville as applied to claims 10 and 11 above, and further in view of U.S. Patent 2,862,720 to Stone. Fendt '746 in view of Fauville '431 discloses every element as described above except a top plate and casters. Stone '720 discloses every element as applied in claims 2-4 and 6-8 above. At the time of the invention it would have been obvious to take the article transporting/storing device of Fendt in view of Fauville and add the casters and top plate of Stone so that the device would be easier to move and have a top to bridge across the post units.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of U.S. Patent 6,866,160 to Wang. Fendt '746 discloses every element as described above except the table is formed with a groove

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for receiving the pair of post units when they are folded toward the mount surface.

Wang '160 discloses a folding transport device that has a pair of post units (2) with a connecting bar (31) at the top of the posts units (2) as best shown in figure 1. As seen in figure 11 below, when the post unit (2) is folded angularly toward the mount surface, a groove (30') is formed in the frame (30) to receive connecting bar (31) of the post unit (2). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt and add the groove of Wang to the table to reduce height when in the folded position.



Wang '160 Figure 11

13. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of U.S. Patent 6,866,160 to Wang as applied to claims 15 and 16 above, and further in view of French Patent 2,638,431 to Fauville. Fendt '746 in view of Wang '160 discloses every element as described above except

the back plate with a belt and the unit supporting means spaced from the opposite edges of the table. Fauville discloses every element as applied to claims 9-11 above.

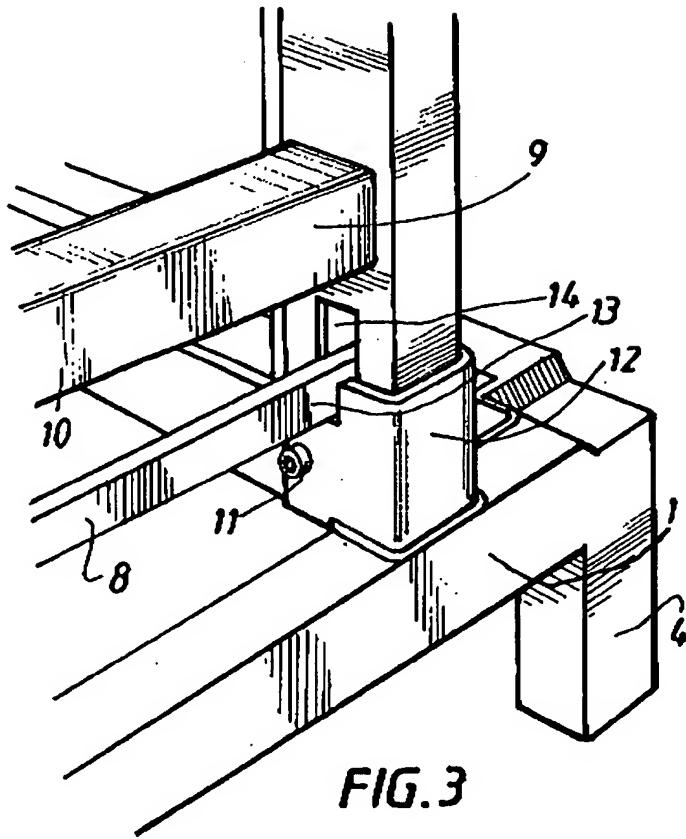
14. Regarding claim 16, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt modified by Wang and space the unit supporting means away from the edge like Fauville so that surfaces on which legs (B') of a table (1) of the another article transporting/storing device (A') are to be positioned are formed between unit supporting means (3) and the edges of the table (1).

15. Regarding claim 17, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt modified by Wang and add the belts of Fauville to the connecting bars of the back plate to secure the article.

16. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of U.S. Patent 6,866,160 to Wang and in further view of French Patent 2,638,431 to Fauville as applied to claims 17 and 18 above, and further in view of U.S. Patent 2,862,720 to Stone. Fendt '746 in view of Wang '160 and in further view of Fauville '431 disclose every element described above except a top plate and casters. Stone discloses every element as applied to claims 2-4 and 6-8. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the article transporting/storing device of Fendt modified by Wang and in further view of Fauville and add the casters and top plate of Stone so that the device would be easier to move and have a top to bridge across the post units.

17. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,757,831 to Bernard. Fendt '746 discloses every element described above except the supporting means comprising of a pair of brackets with a movable rod mounted thereon. Bernard discloses a foldable transport device with a pair of brackets (12) affixed to a table (1) and respectively supporting two posts (2,9) that are angularly movable. A movable rod (8) mounted on the posts (2,9) in such a manner as to be selectively movable upward or downward. Gravity acts to hold to the movable rod (8) downward such that the movable rod is in contact with the two brackets (12) and is prevented from angularly moving toward the mount surface (1). The movable rod is pushed upward against the action of gravity, the movable rod is released from the two brackets (12) for thereby allowing the post unit (2,9) to be angularly moved toward the mount surface. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt and add the brackets and rod of Bernard to have an easier locking mechanism.

18. It would have been obvious matter of design choice to modify Bernard by having the rod move in the upward direction to lock, since the applicant has not disclosed that having the rod move in a specific direction to lock is for any particular purpose and it appears that the locking would perform equally as well in reverse by having the locking of the posts be in the downward direction. As such if the direction would be reversed it is well known to use a spring as a biasing member to replace the same effect given by gravity.



Bernard '831 Figure 3

19. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,757,831 to Bernard as applied to claim 23 above, and further in view of U.S. Patent 6,866,160 to Wang. Fendt '746 in view of Bernard discloses every element as described above except a groove formed in the table. Wang discloses every element as applied to claims 15 and 16 above. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt in view of Bernard and add the groove of Wang to the table to reduce height when in the folded position.

20. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,757,831 to Bernard and in further view of U.S. Patent 6,866,160 to Wang as applied to claims 24 and 25 above, and further in view of French Patent 2,638,431 to Fauville. Fendt '746 in view of Bernard '831 and further modified by Wang '160 discloses every element as described above except the back plate with a belt attached to it and the unit supporting means spaced from the opposite edges of the table. Fauville '431 discloses every element as applied to claims 9-11 above.

21. Regarding claim 25, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt in view of Bernard and further modified by Wang and space the unit supporting means away from the edge like Fauville so that surfaces on which legs (B') of a table (1) of the another article transporting/storing device (A') are to be positioned are formed between unit supporting means (3) and the edges of the table (1).

22. Regarding claim 26, at the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Fendt in view of Bernard and further modified by Wang and add the belts of Fauville to the connecting bars of the back plate to secure the article.

23. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 2,506,746 to Fendt in view of French Patent 2,757,831 to Bernard, in

further view of U.S. Patent 6,866,160 to Wang, and in further view of French Patent 2,638,431 to Fauville as applied to claims 26 and 27 above, and further in view of U.S. Patent 2,862,720 to Stone. Fendt '746 in view of Bernard '831, further modified by Wang '160, and in further view of Fauville '431 discloses every element as described above except a top plate and casters. Stone '720 discloses every element as applied to claims 2-4 and 6-8 above. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the article transporting/storing device of Fendt in view of Bernard, modified by Wang, and in further view of Fauville and add the casters and top plate of Stone so that the device would be easier to move and have a top to bridge across the post units.

***Conclusion***

**24.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 1,188,839 to Schell discloses an adjustable lock for hinges that has a spring as a biasing member and a movable lever. U.S. Patent 5,415,311 to Coogan discloses a collapsible storage device that has a pair of post units that fold toward the mount surface; the mount surface includes a groove to receive the post units. U.S. Patent 5,398,832 to Clive-Smith discloses a transporting/storing device that has belts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA      *JM*  
8/19/05

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